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No. 06-683

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SUPREME COURT, U.S.

IN THE

Supreme Court of the United States

JOSEPH BURCH,
Petitioner,

v.

PHILIP MORRIS USA., INC.
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR REHEARING

JOSEPH V. BURCH, *Pro se*
3311 Rillet Court
Charlotte, NC 28269
(704) 509-2080

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Petitioner pro se, Joseph Burch, respectfully prays that a rehearing will be issued to review his request for writ of certiorari.

BACKGROUND

On September 14, 2006 Petitioner pro se, Joseph Burch's request for a writ of certiorari was filed with this court. Petitioner pro se received a letter with enclosures from the court dated November 16, 2006. Petitioner pro se has known that Mr. Wood W. Lay has always appeared as the only counsel for the Respondent, Philip Morris USA, Inc. since the year 2002. Therefore, Petitioner pro se sent Mr. Lay the November 16, 2006 enclosures or notice and waiver of right forms on November 24, 2006.

Mr. Lay's response was due by December 18, 2006 to the court. Mr. Lay did not respond by the due date. However, Mr. Eric M.D. Zion responded to the court in his November 28, 2006 letter certifying as being a member of the Bar of (this) Court and therefore appearing as counsel for the respondent. Mr. Zion then stated the respondent does not intend to respond and therefore has not responded.

Congress has enacted laws to protect the public from and in Petitioner pro se's case:

> Fraud and misrepresentation perpetrated by attorneys, racial discrimination perpetrated by employers, entities, such as labor unions, that misrepresent him and government agencies that falsify investigations against him.

Equally as important, the forefathers of this country enacted the United States Constitution to protect the public from having their Constitutional rights violated as is the case of Petitioner pro se.

GROUNDS FOR GRANTING REHEARING

1. According to Rules of the Supreme Court of the United States—**Rule 5. Admission to the Bar** and **Rule 9. Appearance of Counsel**, Mr. Lay, just as Mr. Zion, has not been admitted to this court according to Appendix A and Appendix B.

2. The counsel and Respondent, Philip Morris USA, Inc. did not respond to the court by its due date of December 18, 2006 and should be untimely.

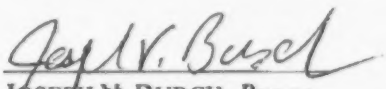
3. According to Rules of the Supreme Court of the United States—**Rule 10. Considerations Governing Review on Certiorari**, the Middle District Court of North Carolina and the Fourth Circuit Court of Appeals issued important decisions against Petitioner pro se and therefore the public that conflict with this court and other district courts and court

of appeals. Not limited to the sanctions award by the District Court to the Respondent that has no basis for the sanctions request.

CONCLUSION

The petition for a rehearing should be granted.

Respectfully submitted,



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APPENDIX

APPENDIX A

HUNTON & WILLIAMS
Eric M. D. Zion
Associate
Labor and Employment
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(704) 378-4739 Phone
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Labor and employment practice focuses on representing and advising employers on the full range of employment issues, including employment discrimination, wrongful discharge and other state law claims, non-competition and non-solicitation covenants, trade secrets, workplace harassment, wage and hour compliance, and occupational safety and health. Aside from employment-related litigation and advice, he regularly represents clients in commercial and business-related litigation.

Relevant Experience

- Defends management in federal and state court litigation involving employment discrimination, wrongful discharge, retaliation, and workplace harassment.
- Represents employers in employment contract and tort disputes.
- Advises clients on various employment matters, including developing compliance and preventative strategies under the Americans with Disabilities Act, the Age Discrimination in Employment Act, Title VII, the Family and Medical Leave Act, the Fair Labor Standards Act, the Occupational Safety and Health Act, state wage and hour laws, and various administrative regulations.
- Defends employers under investigation by the Equal Employment Opportunity Commission and state civil rights agencies.

- Prepares and revises employee handbooks, employee policies, and related materials.

Background

- Legal Intern, Hon. John D. Tinder, United States District Court, Southern District of Indiana, 2001
- Legal Intern, U.S. Equal Employment Opportunity Commission, Charlotte Legal Unit, 1999

Membership

- Member, North Carolina State Bar
- Member, North Carolina Bar Association-Labor and Employment Section; Professionalism Committee
- Member, Georgia State Bar-Labor arid Employment Section
- Member, American Bar Association-Labor and Employment Section; Equal Employment Opportunity and Occupational Safety and Health Committees
- Member, Mecklenburg County Bar Association

Education

- J.D., Indiana University School of Law-Bloomington, magna cum laude; Order of the Coif; Articles Editor, Indiana Law Journal, 2001
- B.A., North Carolina State University, cum laude, Political Science, 1998

Source: www.Hunton.com
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APPENDIX B

HUNTON & WILLIAMS LLP
Eric M.D. Zion
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Bank of America Plaza
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Eric M.D Zion practices in the following areas of law: Litigation

Admitted: 2001, Georgia; 2002, North Carolina

Law School: Indiana University School of Law-Bloomington, ID., magna cum laude, 2001

College: North Carolina State University, B.A., cum laude, 1998

Member: State Bar of Georgia; North Carolina State Bar; Mecklenburg County, North Carolina (Member, Labor and Employment Law Section, Professionalism Committee) and American (Member, Labor and Employment Law Section: Equal Employment Opportunity Committee; Occupational Safety and Health Committee) Bar Associations.

Biography: Order of the Coif. Articles Editor, Indiana Law Journal, 2000-2001. Legal Intern: Hon. John D. Tinder, United States District Court, Southern District of Indiana, 2001; U.S. Equal Employment Opportunity Commission, Charlotte Legal Unit, 1999.

Web Site: http://www.hunton.com

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